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5 UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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8 OAKLAND DIVISION  
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10 COMMONWEALTH OF  
MASSACHUSETTS, et al.,

11 Plaintiffs,

12 vs.

13 MIGUEL CARDONA, in his official capacity  
14 as Secretary of Education; and UNITED  
STATES DEPARTMENT OF EDUCATION,

15 Defendants.  
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Case No: 20-cv-04717 SBA

**CONDITIONAL DISMISSAL  
ORDER**

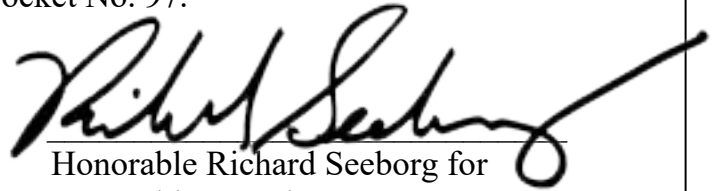
17 This action challenges the legality of borrower defense regulations published in  
18 2019. The action was stayed on May 6, 2021, to allow the Secretary of Education time to  
19 consider the regulations at issue, Dkt. 79, and the stay was continued twice pending the  
20 promulgation of new borrower defense regulations, which were expected to moot the  
21 action. Dkt. 81, 89. On November 1, 2022, the Department of Education published final  
22 regulations, which are set to become effective on July 1, 2023. Dkt. 97 at 1. Plaintiffs do  
23 not dispute that the 2022 regulations moot their claims regarding the validity of the 2019  
24 regulations; however, they assert that their claims are not moot until the new regulations  
25 take effect in July. Id. at 2. Although the Department of Education takes the position that  
26 the action is moot at this juncture, the parties stipulate to continue the stay through July 18,  
27 2023, to allow the 2022 regulations to take effect. Id. at 3.  
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1 In view of the publication of final borrow defense regulations that moot Plaintiffs'  
2 claims challenging the 2019 regulations, IT IS HEREBY ORDERED that this action and all  
3 claims asserted herein are DISMISSED. To accommodate Plaintiffs' position regarding the  
4 effective date of the 2022 regulations, it is FURTHER ORDERED that any party may  
5 move to reopen the case through July 18, 2023. If for some reason the 2022 regulations do  
6 not take effect on July 1, 2023, the action may be restored to the Court's active docket for  
7 further proceedings. This order terminates Docket No. 97.

8 IT IS SO ORDERED.

9 Dated: 12/29/2022

  
Honorable Richard Seeborg for  
Honorable Sandra Brown Armstrong